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APPLICATION N	0.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,652		03/15/2001	Linghsiao Wang	21795	4933
24932	7590 10/13/2004		EXAMINER		
		OF LAWRENCE E LA	CHANG, R	CHANG, RICHARD	
	1160 SPA RD SUITE 2B			ART UNIT	PAPER NUMBER
ANNAPO	LIS, M	D 21403		2663	
			DATE MAILED: 10/13/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Continue Continue		Application No.	Applicant(s)					
Richard Chang 2663	Office Action Summany	09/808,652						
Preiod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edemicions of time may be available under the provision of 3 CPR 1.13(6), in no event, however, may a reply be timely filed Edemicions of time may be available under the provision of 3 CPR 1.13(6), in no event, however, may a reply be timely filed Edemicions of time may be available under the provision of 3 CPR 1.13(6), in no event, however, may a reply be timely filed Edemicions of the reply as peculiar above its lies than filety (00 days, a reply white the eatabloor which was the state in the provision of the provision of the provision of the seminal position of the provision	Office Action Summary	Examiner	Art Unit					
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THE MALLING DATE OF THIS COMMUNICATION. Extension of many be available under the provisions of 3 CPR 1.13(b). In no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication. It is a standard to reply is specified above, the maximum studiety price in subject to be provided by the communication. Fallurs to reply within the set or extended princip for reply will, by studies, cause the application to become ARANDONED (30 U.S. C, 1133). Any noty received by the Othic later than there maining date of this communication, even if timely filed, may reduce any counterparts term adjustment. See 37 CFR 1.74(b). Status 1) Responsive to communication(s) filed on 15 March 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are rejected. 5) Claim(s) 12.6.7.11 and 12 is/are rejected. 7) Claim(s) 2.5.5 and 8-10 is/are objected to. 8) Claim(s) 3.5.5 and 8-10 is/are objected to. 8) Claim(s) 3.5.5 and 8-10 is/are objected to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The odth or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No.								
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5 Notice of Informal Patent Application (PTO-152)								
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-2, 6-7 and 11-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent No. 6,683,884 ("Howard").

Regarding claims 1 and 11-12. Howard teaches a method and system of scheduling queues for packetized data in a network switching device (a method or data switching node of scheduling for servicing ... with a communications port) (See Fig. 1) comprising the steps of

selecting the next packet to be transmitted to output port from queues (block 110A-110M) in the selection mechanism (block 130) wherein the selection mechanism assigns the credit counters (block 225A-225M) for each of the queues to indicate available packets in the queue (selecting for servicing an output queue ... credit counter holding a lowest credit value C(j)) (See Fig. 1 and Fig. 2A, Col. 3, lines 15-29),

adding as by the selection mechanism the quantum number of bytes to the corresponding credit counter as each queue has a target bandwidth (selectively incrementing the credit value C(j) ... a length L from the selected output queue (See Fig. 1 and Fig. 2C, Col. 3, lines 37-44),

decrementing, based on the round time, the credit counter by the number of bytes in the packet to keep track of the number of bytes its corresponding queue may transmit without exceeding its target bandwidth (periodically decrementing the credit values C(j) ... A(j) assigned to each output queue) (See Fig. 1 and Fig. 2C, Col. 3, lines 44-49), and

wherein the shared credit round robin queuing is inherently an improved efficient fair queuing of the weighted fair queuing (whereby selecting for servicing the output queue ... in the long run with minimal computation).

Regarding claim 2, Howard further teaches that selection mechanism (block 130), which is configured to select the next packet to be transmitted to output channel 140 from queues (block 110A-110M) (the plurality of output queues comprises at least two output queues) (See Fig. 1, Col. 3, lines 19-21).

<u>Regarding claims 6-7</u>, Howard further teaches that as each packet from queue is transmitted to output channel, credit counter is decremented by the number of bytes in the packet (the plurality of output queues comprises at least two output queues) (See Fig. 2C, Col. 3, lines 44-43).

Allowable Subject Matter

3. Claims 3-5 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Art Unit: 2663

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Chang Patent Examiner Art Unit 2663 Page 4

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CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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